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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,150

04/02/2007

Butrico Pat

P50297

2485

40401 7590 04/28/2009  
Hershkovitz & Associates, LLC  
2845 Duke Street  
Alexandria, VA 22314

EXAMINER

JONES, MARCUS D

ART UNIT

PAPER NUMBER

3714

NOTIFICATION DATE

DELIVERY MODE

04/28/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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patent@hershkovitz.net

<b>Office Action Summary</b>	<b>Application No.</b> 10/590,150	<b>Applicant(s)</b> PAT ET AL.	
	<b>Examiner</b> MARCUS D. JONES	<b>Art Unit</b> 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33,34 and 37-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33,34 and 37-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

The amendment filed on 26 January 2009 in response to the previous Non-Final Office Action (28 July 2008) is acknowledged and has been entered.

Claims 1-32, 35 and 36 are cancelled.

Claims 33, 34, and 37-61 are currently pending.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 33, 38, 39, 43-45, 51, 52, 56, 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelinotte (US PGPub 2004/0229682).**

In reference to claims 33 and 51, Gelinotte discloses: A gaming table for use with electronic circuit memory gaming chips, comprising: a tabletop comprising an

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operator side (see Figure 2A, *dealer located on flat side of gaming table*), said operator side comprising at least one gaming chip testing area, a display device, and a gaming chip storage area, wherein said display device and said gaming chip storage area are placed on the tabletop in reach and in view of an operator (pg 1, par 10, *The chip is read when laid flat on tabletop but also in chip storage area, pg 4, par 62, screen and keyboard to input data into the system by the operator*), and at least one gaming station on a customer side of the tabletop (see Figure 2A, *players located on rounded side*); at least one test station including a communication unit adapted to exchange information with a memory of at least one gaming chip in said gaming chip testing area by an antenna device disposed at least of on and in said tabletop, the communication unit being associated with a processing unit for processing information contained in said memory (pg 2, par 15-16); and at least one display device for displaying an output message obtained from the processing unit and based at least in part on information contained in said memory, said display device including a screen at least one of on and in said tabletop (pg 4, par 61, *display peripheral*), wherein said gaming chip testing area comprises an anti-collision device for reading information from a batch of gaming chips placed in said testing area (pg 1, par 10 and pg 5, par 73, *anti-collision algorithm and anti-collision function*) and said display device displays on said screen the total value of the batch of chips placed in said gaming chip testing area which permits rapid authentication of gaming chips by comparison of the total value displayed with the value mentally calculated by an operator (pg 4, par 62, *screen can display total number of*

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*chips in storage, number of chips of each denomination and total value of chips in storage system).*

In reference to claims 38 and 52, Gelinotte discloses: wherein the communication unit is one of wholly or partially under the tabletop of the gaming table and said test station also incorporates in its casing the processing unit which has an output connected to the display device (pg 2, par 31).

In reference to claim 39, Gelinotte discloses: wherein the chip storage area is a chip rack (pg 1, par 6).

In reference to claims 43, 44, and 56, Gelinotte discloses: on the table top, other areas for one of a) electronically reading or b) electronically reading and writing gaming chips associated with antennas having multiplex connections to the test station and via said test station to the screen of the display device (pg 2, par 33).

In reference to claim 45, Gellinotte discloses wherein the gaming table comprises one of a blackjack, baccarat, minibaccarat or stud poker gaming table, a gaming table for games derived from the above games, a cash table, or a change table (pg 2, par 31, *cash table*).

In reference to claim 60, Gelinotte discloses that the communication unit captures the identity of a first chip and performs the required read and/or write operations on that chip. The communication unit then deactivates the chip by sending it a standby command and continues until all of the chips have been captured. After capture and/or processing of the last chip, the communication unit sends a command for reactivating all of the chips (pg 4-5, par 72-73).

In reference to claim 61, Gelinotte discloses: wherein said batch of chips comprises at least a stack of chips (pg 1, par 10, *read/write all chips in one or more stacks*).

**4. Claims 34, 40-42, 53-55 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelinotte (US PGPub 2004/0229682), and further in view of Walker et al. (2006/0287068).**

In reference to claim 34, Gelinotte discloses the invention substantially as claimed except for the screen mounted flush with the tabletop. Walker teaches a display that is located in the dealer area and only visible to the dealer that may be a LCD, LED or a touch screen display (pg 5, par 62 and see Figure 8, lead line 142). It would have been obvious to a person having ordinary skill in the art at the time of the invention to have attached the display to the table such that only the dealer can view the display, since it has been held that rearranging parts of an invention involves on routine skill in the art. *In re Japikse*, 86 USPQ 70.

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Gelinotte in view of Walker to include a display that alerts the dealer of a possible problem at the gaming table as well as a means to track the activity at the table.

In reference to claims 40 and 53, Gelinotte discloses the invention substantially as claimed except for specifically that the chip testing area is beside a tip box. Walker teaches a tip box located on the gaming table (see Figure 5, lead line 102).

In reference to claims 41, 42, 54, 55 and 59, Gelinotte discloses the invention substantially as claimed except for explicitly disclosing that the display is centrally located. Walker teaches that the display is located proximate to the dealer's area (pg 5, par 62 and Figure 8). It would have been an obvious matter of design choice to locate the display in a central location that can be viewed by the dealer, since the Applicant has not disclosed that it solves any stated problem or is for any particular purpose and it appears that the invention would perform equally as well.

**5. Claims 46-50, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelinotte (US PGPub 2004/0229682) and French (US 5,735,742), and further in view of Walker et al. (2006/0287068).**

In reference to claim 46, Gelinotte discloses: A gaming table for use with electronic circuit memory gaming chips, comprising: a tabletop including a gaming chip storage area and at least one gaming chip testing area (pg 1, par 10); at least one test station including a communication unit adapted to exchange information with a memory of a gaming chip in said gaming chip testing area by an antenna device disposed at least one of on and in said tabletop, the communication unit being associated with a processing unit for processing information contained in said memory (pg 2, par 15-16); and at least one display device for displaying an output message obtained from the processing unit and based at least in part on information contained in said memory, said display device including a screen at least one of on and in said tabletop (pg 4, par 61, *display peripheral*); and on the tabletop of the gaming table, other areas for one of a) electronically reading or b) electronically reading and writing gaming chips associated

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with antennas having appropriate multiplex connections to the test station and via said test station to the screen of the display device (pg 2, par 33), wherein the display device is physically separate from a casing of said test station and the gaming chip testing area and the screen of the display device are close together, beside said storage area and in reach and in view of an operator of the table (pg 4, par 61); and the communication unit is one of wholly or partially under the tabletop of the gaming table and said test station also incorporates in its casing the processing unit which has an output connected to the display device (pg 2, par 31) and the tabletop has one of a rectangular or pseudo-rectangular shape with two longer sides (see Figure 2A).

French teaches the gaming chip testing area and the screen of the display device are substantially on respective opposite sides of a substantially distal corner of the storage area (see Figure 3); the screen of the display device has a single display line parallel to the proximal operator side of the tabletop (col 6, ln 45-49 and Figure 3, lead line 47); two gaming chip testing areas are disposed laterally on either side of the chip rack and are combined with one of, a screen that is centrally located with respect to the chip rack, or with two lateral screens ; and said one of the screen or two lateral screens is/are placed immediately in front of the chip rack on a customer side of the gaming table (see Figure 3 of *French*, lead line 47 and 28, *Gelinotte also discloses that the chip may be placed flat on the playing surface to be read or placed in the chip storage area*).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Gelinotte in view of French to create a gaming chip



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monitoring system as a surveillance means to make a more secure gaming environment.

Both Gelinotte and French are silent with respect to flush mounting the screen with the tabletop. French teaches a betting display located in the gaming table (col 6, ln 45-48). Walker teaches a display that is located in the dealer area and only visible to the dealer that may be a LCD, LED or a touch screen display (pg 5, par 62 and see Figure 8, lead line 142). It would have been obvious to a person having ordinary skill in the art at the time of the invention to have attached the display to the table such that only the dealer can view the display, since it has been held that rearranging parts of an invention involves on routine skill in the art. *In re Japikse*, 86 USPQ 70.

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Gelinotte and French in view of Walker to include a display that alerts the dealer of a possible problem at the gaming table as well as a means to track the activity at the table.

In reference to claims 47, 48, and 49, Gelinotte, French and Walker disclose the invention substantially as claimed. French further teaches a camera couple to the electronic system for monitoring (col 6, ln 11-12). French further teaches that the camera is monitored by security personnel over a network (col 9, ln 50-53).

In reference to claim 50, see above discussion of claims 41, 42, 54, 55 and 59.

In reference to claim 57, see discussion of claim 47.

**6. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gelinotte (US PGPub 2004/0229682), and further in view of French (US 5,735,742).**

In reference to claim 37, Gelinotte discloses the invention substantially as claimed except for the single display line. French discloses a plurality of bet displays associated with each player in proximity of the operator (col 6, ln 45-49 and Figure 3, lead line 47).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Gelinotte in view of French to provide displays for each player's bet amount.

### ***Response to Arguments***

7. Applicant's arguments have been fully considered but they are not persuasive.

With respect to claims 33 and 46, the Applicant asserts that Gelinotte simply does not teach the claimed features of "at least one test station" and "at least one display device." The Applicant further asserts that "The claims recite, "said display device displays on said screen the total value of the batch of chips placed in said gaming chip testing area which permits a rapid authentication of the said gaming chips by comparison of the total value displayed with the value mentally calculated by the operator."

The Examiner respectfully disagrees.

Firstly, the Applicant points out in the present disclosure that an electronic chip rack equipped with a station for reading or reading/writing the memory of the chips in various columns in the rack (pg 3, par 37). Gelinotte discloses a communication unit adapted to exchange information with the memory of the chip positioned in the storage

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system (chip rack) (pg 1, par 16). Gelinotte further discloses that the screen can display total number of chips in storage, number of chips of each denomination and total value of chips in storage system (pg 4, par 62).

With respect to claim 34, 40 and 53, Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS D. JONES whose telephone number is

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(571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/  
Examiner, Art Unit 3714

/John M Hotaling II/  
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Unit 3714